

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

McKesson Automation, Inc.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civ. No. 06-28-SLR-LPS
	:	
Swisslogic Holding AG, et al.,	:	
	:	
Defendants.	:	

ORDER

At Wilmington this **5th** day of **June, 2008**, the Court having held a status teleconference with the parties in this matter on June 4, 2008,

IT IS ORDERED that Defendants' answering brief in response to Plaintiff's Motion for Reconsideration and pleadings related thereto (D.I. 312, 313 & 314) shall be filed on or before **June 20, 2008**.

IT IS FURTHER ORDERED that, having considered the parties' letters with respect to the dispute regarding the permissibility of Plaintiff's allegations of infringement of five additional claims - claims 14-17 of U.S. Patent No. 5,468,110 (the '110 Patent) and Claim 2 of U.S. Patent No. 5,593,267 (the '267 Patent) (D.I. 300 & 301), Plaintiff's request is **GRANTED**, and Plaintiff's five additional claims of infringement, and Plaintiff's expert witness' supplementation of his report to include such claims, shall be permitted.

IT IS FURTHER ORDERED that, having considered Defendants' Revised Motion for Leave to Amend their Answers and Counterclaims (D.I. 172) (the "Amendment Motion"), pleadings related, and responses, thereto and argument in connection therewith, the Amendment

Motion is hereby **GRANTED**.

IT IS FURTHER ORDERED that all expert discovery shall be completed by **July 30, 2008**. To the extent **limited** additional fact discovery is necessitated by the Court's granting of the Amendment Motion, such fact discovery shall also be completed by **July 30, 2008**.

IT IS FURTHER ORDERED that the parties shall agree upon and file a revised Joint Claim Construction Statement **within seven (7) days of the date of this Order**, with the revised claim chart separately docketed. The parties will file simultaneous opening claim construction briefs on **August 10, 2008**. Simultaneous response briefs shall be filed by **August 31, 2008**. Issues of claim construction shall be considered by the Court in conjunction with the summary judgment motion(s). The hearing on claim construction and motion(s) for summary judgment will be held as previously scheduled, on **October 31, 2008 at 9:00 a.m.** before Judge Robinson.

IT IS FURTHER ORDERED that all summary judgment motions shall be served and filed with an opening brief on or before **September 20, 2008**. Opposition Briefs are due **October 10, 2008** and Reply Briefs are due **October 20, 2008**.

IT IS FURTHER ORDERED that the May 5, 2008 Stipulated Seventh Amended Scheduling Order (D.I. 289) shall otherwise continue to govern in all other respects. In particular, pretrial conference and trial dates as previously scheduled are not altered by this Order.

Delaware counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order



UNITED STATES MAGISTRATE JUDGE